

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed May 1, 2008. At the time of the Office Action, Claims 6-20 were pending in this Application. Claims 6-20 were rejected. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 112

Claims 6-18 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully disagrees. The specification explains that means for real time cross communications Q1 to Q3 are provided to establish real-time connection between all functional units LF1-LF4. See, specification, for example, page 7, paragraph [0020]. Fig. 1 is a block diagram showing four functional units connected through a typical pass through network connection as well known in the art. this example does not form a ring which would provide additional redundancy. However, a person skilled in the art of networking knows how to provide a real-time network connecting all units LF1-LF4 when interpreting the block diagram of Fig. 1. He would readily understand that functional units LF 1 and LF3 internally couple the links Q1/Q2 and Q1/Q3, respectively to provide for a direct connection along the network. Moreover, Applicant used the term “network” in the claims which inherently means that all units coupled to this network are interconnected. In summary, Applicant believes that a person skilled in the art of networks would have no problem to read and understand the block diagram as shown in Fig. 1.

Rejections under 35 U.S.C. §103

Claims 6-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,343,549 issued to Shizurou Tokiwa (“*Tokiwa*”) in view of Johannes Tenfelde et al. (“*Tenfelde*”). Applicant respectfully traverses and submit the cited art combinations, even if

proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

The Examiner stated that *Tokiwa* does not explicitly disclose "a second independent network interconnecting said functional units for real time cross-communication there between." Applicant agrees that *Tokiwa* does not show this feature.

The Examiner then further concludes that the serial connection of units #11, #12, #13 and #14 can be considered as a second network. Office Action, page 4, last paragraph. Applicant respectfully disagrees. No person skilled in the art would consider the connections between #11, #12, #13, and #14 to form a second network. Fig. 1 clearly show these connections as being part of a single network. All schematically shown network lines are interconnected. Moreover, Figs. 2 and 3 clearly show that the connections between units #11 and #12 are part of the single network 5.

Finally, the independent claims require the second network to be independent. If the connections between #11, #12, #14, and #14 would be considered to form a second network this second network would not be independent, but clearly connected to the first network. In summary, the assumptions that *Tokiwa* discloses two independent networks is without merit and completely unsupported by the *Tokiwa*.

Tenfeldeet does not add anything with respect to this limitation. Thus, all pending claims are allowable in view of the cited prior art. Applicant respectfully submits that the dependent Claims are allowable at least to the extent of the independent Claims to which they refer, respectively. Thus, Applicant respectfully requests reconsideration and allowance of the dependent Claims. Applicant reserves the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

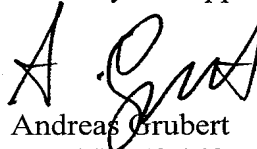
CONCLUSION

Applicant has now made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicant respectfully requests reconsideration of all pending Claims.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2545.

Respectfully submitted,
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